

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**CRAIG A FULTON**  
Claimant

**APPEAL NO. 09A-UI-01902-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 11/23/08 R: 03**  
**Claimant: Appellant (2/R)**

871 IAC 24.2(1)g – Retroactive Benefits  
871 IAC 24.13(2)a – Holiday Pay

**STATEMENT OF THE CASE:**

Craig A. Fulton filed a timely appeal from an unemployment insurance decision dated February 4, 2009, reference 01, that denied his request for unemployment insurance benefits for the week ending November 29, 2008. After due notice was issued, a telephone hearing was held February 26, 2009 with Mr. Fulton participating. The record was held open for Mr. Fulton to submit a copy of his paystub for the week in question showing his holiday pay. That document has now been received and is included in the record as Exhibit A.

**ISSUES:**

Is the claimant eligible for retroactive benefits?

Must the claimant's compensable benefit amount be reduced because of his receipt of holiday pay?

**FINDINGS OF FACT:**

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Craig A. Fulton filed a weekly claim for unemployment insurance benefits for the week ending November 29, 2008. For reasons unknown, the weekly claim is not reflected in Agency benefit payment records. Mr. Fulton's full weekly benefit amount is \$361.00. For the week in question, he received holiday pay in the amount of \$269.44.

**REASONING AND CONCLUSIONS OF LAW:**

The first question is whether the claimant is entitled to retroactive benefits for the week ending November 29, 2008. Having heard the claimant's description of his actions when submitting his weekly claim for benefits, the administrative law judge concludes that the claimant followed the instructions but for reasons beyond his control his claim was not processed. Therefore, he is entitled to retroactive benefits.

Holiday pay is deductible from unemployment insurance benefits. See 871 IAC 24.13(2)a. Computation of that reduction is pursuant to a formula found in 871 IAC 24.18. The administrative law judge notes in addition that Mr. Fulton has elected to have state and federal income tax withheld from his compensable benefit amount. Computation of the amount payable to Mr. Fulton for the week ending November 29, 2008 is remanded to the Unemployment Insurance Services Division.

**DECISION:**

The unemployment insurance decision dated February 4, 2009, reference 01, is reversed. The claimant is entitled to receive retroactive benefits for the week ending November 29, 2008. Computation of the compensable benefit amount is remanded to the Unemployment Insurance Services Division.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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